

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 01, 2021**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

Nos. 2:19-CR-0111-WFN-3  
2:19-CR-0173-WFN-1

-vs-

ORDER

PATRICK ELLIOTT PEARSON,  
Defendant.

A pretrial conference and motion hearing was held February 1, 2021. The Defendant was present in custody and represented by David Partovi and Joseph Sullivan. Assistant United States Attorney Caitlin Baunsgard represented the Government.

The Court addressed Defendant's Motion to Continue Trial and Pretrial Deadline Dates. The Government had no objection. The parties discussed a reasonable schedule for trial in light of discovery review, potential motions, and COVID-19 precautions/restrictions. The Government estimates that a trial on both Indictments will take approximately two weeks. The Court consolidated the cases for trial and pretrial but invited Defendant to file his objections to consolidation.

The Court also queried defense counsel regarding the status of pending motions filed by co-Defendant in 2:19-CR-0111-WFN-3. Mr. Partovi indicated that he had further discovery to review prior to making a determination as to whether he intended to pursue the pending motions.

The Court has reviewed the file and Motions and is fully informed. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

**IT IS ORDERED** that:

1           1. Defendant's Motion to Continue Trial and Pretrial Deadlines Dates, filed  
2 January 27, 2021, **2:19-CR-0111-WFN-3 ECF No. 881** and **2:19-CR-0173-WFN-1 ECF**  
3 **No. 144**, is **GRANTED**.

4           The Court finds that the ends of justice served by the granting of a continuance of  
5 the trial in these matters outweigh the best interests of the public and the Defendant in a  
6 speedy trial. A trial date of March 8, 2021 would unreasonably deny Defendant the  
7 opportunity to review discovery, file appropriate pretrial motions, investigate the charges  
8 against him, and to benefit from effective assistance of counsel, taking into account the  
9 exercise of due diligence. 18 U.S.C. § 3161(h)(7).

10           2. The trial date of March 8, 2021, in both matters is **STRICKEN and RESET to**  
11 **June 14, 2021, at 1:00 p.m., in Spokane**, Washington.

12           3. All time from the trial date of March 8, 2021, to the new trial date of June 14,  
13 2021, is **EXCLUDED** for speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(7).  
14 Defendant executed a waiver of speedy trial rights in each case.

15           4. The **March 8, 2021**, final pretrial conference is **STRICKEN and RESET to**  
16 **June 14, 2021, at 11:00 a.m., in Spokane**, Washington.

17           5. All time from the filing of Defendant's Motion to Continue on January 27, 2021,  
18 to the date of the hearing on February 1, 2021, is **EXCLUDED** for speedy trial calculations  
19 pursuant to 18 U.S.C. § 3161(h)(1)(D).

20           6. Trial briefs, motions in limine, requested voir dire and a set of proposed **JOINT**  
21 **JURY INSTRUCTIONS** shall be filed and served on or before **June 1, 2021**.

22           Jury instructions should only address issues that are unique to this case and shall  
23 include instructions regarding the elements of each claim, any necessary definitions, and a  
24 proposed verdict form. The Joint Proposed Jury Instructions shall include:

- 25           (a) The instructions on which the parties agree; and  
26           (b) Copies of instructions that are disputed (i.e., a copy of each party's proposed  
27 version of an instruction upon which they do not agree). All jury instructions from the most  
28 current edition of the Ninth Circuit Manual of Model Jury Instructions may be proposed by

1 number. The submission of the Joint Proposed Jury Instructions will satisfy the  
2 requirements of LR 51.1(c).

3 Each party shall address any objections they have to instructions proposed by any  
4 other party in a memorandum. The parties shall identify the specific portion of any proposed  
5 instruction to which they object and shall elaborate the basis for the objection. Objections  
6 asserting that an instruction sets forth an incorrect statement of law shall describe the legal  
7 authority that supports this objection. Failure to file an objection and supporting argument  
8 may be construed as consent to the adoption of an instruction proposed by another party.

9 7. The parties are requested to submit courtesy copies of witness and exhibit lists to  
10 the Court no later than **12:00 noon the Monday before trial.**

11 8. A pretrial conference shall be held **March 9, 2021, at 9:00 a.m., in Spokane,**  
12 **Washington.** Defendant's Motion for Henthorn Discovery, **ECF No. 464**, Motion for Franks  
13 Evidentiary Hearing, **ECF No. 467**, and Motion to Suppress the Contents of Wire and Oral  
14 Communications Intercepted Pursuant to Title III and Evidence Derived Therefrom. . . , **ECF**  
15 **No. 469**, in **2:19-CR-0111-WFN-3**, shall be heard at that time. If defense counsel chooses  
16 not to proceed on any of the motions listed above, a notice shall be filed no later than  
17 **February 19, 2021**, updating the Court and counsel for the Government of the change of  
18 status.

19 (a) Any additional ripe motions shall be filed and served no later than **February**  
20 **19, 2021.**

21 (b) Responses shall be filed and served no later than **February 26, 2021.**

22 9. An additional pretrial conference shall be held **May 18, 2021, at 9:00 a.m., in**  
23 **Spokane, Washington.**

24 (a) All additional motions shall be filed and served no later than **April 30, 2021.**

25 (b) Responses shall be filed and served no later than **May 7, 2021.**

26 10. Indigent Defendant's requests for issuance of subpoenas and payment of costs and  
27 fees for trial witnesses shall be filed no later than ten days before trial, excluding weekends  
28 and holidays.

1 The District Court Executive is directed to file this Order and provide copies to  
2 counsel.

3 **DATED** this 1st day of February, 2021.

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6 WM. FREMMING NIELSEN  
7 SENIOR UNITED STATES DISTRICT JUDGE

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